

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT SANGO,

Plaintiff,

CIVIL ACTION NO. 13-12808

v.

DISTRICT JUDGE ARTHUR J. TARNOW

DAPHNE JOHNSON, et al.,

MAGISTRATE JUDGE MARK A. RANDON

Defendants.

**REPORT AND RECOMMENDATION TO DENY PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT (DKT. NO. 18)**

This matter is before the Court on Robert Sango's motion for default judgment (Dkt. No. 18). Sango argues that defendants did not timely respond to his Complaint.

Defendants Daphne Johnson and Richard Russell were served on October 24, 2013; Defendant Kenneth MacEachern was served on October 28, 2013 (Dkt. Nos. 13-15). Their answers were due on December 23, 2013 and December 27, 2013, respectively. Defendants timely filed a motion to transfer venue on December 17, 2013 (Dkt. No. 20). *See* Fed. R. Civ. P. 12(b)(3) ("A motion asserting [improper venue] must be made before pleading if a responsive pleading is allowed"). Accordingly, this Magistrate Judge **RECOMMENDS** that Sango's motion be **DENIED**.

The parties to this action may object to and seek review of this Report and Recommendation within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596 (6th Cir. 2006); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). The parties are advised

that making some objections, but failing to raise others, will not preserve all the objections a party may have to this Report and Recommendation. *McClanahan v. Comm'r Soc. Sec.*, 474 F.3d 830 (6th Cir. 2006) (internal quotation marks omitted); *Frontier*, 454 F.3d at 596-97.

Objections are to be filed through the Case Management/Electronic Case Filing (CM/ECF) system or, if an appropriate exception applies, through the Clerk's Office. E.D. Mich. LR 5.1. A copy of any objections is to be served upon this Magistrate Judge but this does not constitute filing. E.D. Mich. LR 72.1(d)(2). Once an objection is filed, a response is due within fourteen (14) days of service, and a reply brief may be filed within seven (7) days of service of the response. E.D. Mich. LR 72.1(d)(3), (4).

s/Mark A. Randon

Mark A. Randon

United States Magistrate Judge

Dated: February 6, 2014

Certificate of Service

I hereby certify that a copy of the foregoing document was served on the parties of record on this date, February 6, 2014, by electronic and/or first class U.S. mail.

s/Eddrey Butts

Case Manager to Magistrate Judge Mark Randon